



UNITED STATES  
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## MEMO ENDORSED

July 10, 2013

By Facsimile Transmission: 212-805-7949

Hon P. Kevin Castel  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007-1312

Re: SEC v. Subaye et al., 13cv3114PKC

Dear Judge Castel:

The parties in the above-captioned case were scheduled to appear before Your Honor next Tuesday, July 16, at 11:45 a.m. for an initial status conference. We were informed by Ms. Nacanther this afternoon that the time of the conference has been moved to 2:15 p.m. on the same day. In that communication, Ms. Nacanther indicated that we should promptly seek a continuance of the date for the status conference if that date and time were not convenient.

By this letter, the parties seek to have the status conference removed from the Court's calendar on Tuesday, July 16, and continued to a date to be determined, as described below. This is the first such request.

Mr. Crane, who has to date appeared pro se, represents that he is in the final stages of retaining counsel to represent him in this case. A continuance would allow for Mr. Crane to appear through counsel, and should not overly delay proceedings in the case (because a motion to dismiss is pending, full discovery would not be expected to start immediately in any event; see Report of the Judicial Improvements Committee: Pilot Project Regarding Case Management Techniques for Complex Civil Cases (October 2011) at 4). Mr. Crane indicates that his proposed counsel is currently in court out of state and will not be available to discuss scheduling in this matter until Friday, July 12. The parties therefore respectfully request that the Court remove the conference from its July 16 docket, and propose that they submit an alternate date or dates for the conference no later than Monday, July 15.

Very truly yours,

Rachel E. Hershfang  
Senior Trial Counsel

Cc: James Crane (by electronic mail)

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